

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12636 of W.C. and A.N. Miller Development Company, pursuant to Article 75, Section 7501.4 of the Zoning Regulations, for further processing of a Planned Unit Development to permit construction of thirty-five (35) single family dwellings in the R-1-B District, at premises 4801-4815 and 4821 Van Ness Street, 4201-4213 - 48th Place, 4200-4212 - 48th Place, 4250-4256 Fordham Road and 4724-4738 Massachusetts Avenue, N.W., (Square 1501, Lot 800 and Square 1530, Lots 800 and 801).

HEARING DATE: April 26, 1978

DECISION DATE: April 26, 1978 (bench decision)

FINDINGS OF FACT:

1. The site of the subject Planned Unit Development is located near the intersection of Van Ness Street and Massachusetts Avenue, N.W., in Ward 3. At present, the site is undeveloped. The area of the site totals approximately 3.5 acres, consists of three separate lots in two squares, and is generally flat and partially wooded. Lot 800 in Square 1501 is situated between 48th Place, Van Ness Street, 49th Street, and Fordham Road and has an area of approximately 34,206 square feet. Lots 800 and 801 in Square 1530 are bounded by Fordham Road, Massachusetts Avenue, Van Ness Street and 48th Place, N.W. These lots have a total area of approximately 117,294 square feet.

2. Although 48th Place is shown on the Baist Atlas as an existing street (Volume III, Plate 31), it is in fact a "paper street". The applicant has stated that 48th Place has been removed from Department of Transportation's official maps. The street will be built by the developer.

3. The subject premises are known as 4801-4815 and 4821 Van Ness Street, 4201-4213 - 48th Place, 4200-4212 - 48th Place, 4250-4256 Fordham Road and 4724-4738 Massachusetts Avenue, N.W., and are in an R-1-B District.

4. The predominant zoning in the vicinity of this site is R-1-B. The majority of dwellings in the area are single family detached dwellings. There are a group pf non-conforming apartment houses located approximately one block to the south-east of the site on 47th Street between Upton and Tilden Streets, N.W. Immediately north of this site is a C-2-A commercial district located at the intersection of Massachusetts Avenue, 49th Street and Yuma Streets, N.W. There are a number of commercial establishments located here, including a branch of Garfinkels, a grocery store, gasoline service stations, a bank and a variety of specialty stores. The campus of the American University is located approximately three blocks to the southeast at Ward Circle. The Montgomery County-District line is less than one mile to the northwest of this site.

5. On May 5, 1977, the Zoning Commission granted preliminary approval for a Planned Unit Development (Application No. 77-18P), submitted by the W.C. and A.N. Miller Development Company by Zoning Commission Order No. 152.

6. On December 8, 1977 by Order No. 195, the Zoning Commission granted final approval of the PUD and a map amendment from R-1-B to R-4. The guidelines, conditions and standards incorporated in Z.C. Order No. 195 are as follows:

- a. A maximum of thirty five single family dwelling units consisting of detached, semi-detached or row dwellings shall be developed on this site.
- b. The lot occupancy shall not exceed 35%.
- c. The FAR shall not exceed 0.67.
- d. The maximum height of all buildings and structures shall be three stories and forty feet.
- e. Off-street parking spaces shall be provided at a minimum of two per dwelling unit.
- f. No direct vehicular access shall be permitted from Massachusetts Avenue, N.W.
- g. All retaining walls restricting access to the common open space and off-street parking area shall be provided with a gate opening into such space.

- h. All areas not devoted to buildings, structures, access drives or parking spaces shall be so landscaped as to continue material characteristic of the area.
- i. The final design of buildings shall be based upon drawings submitted to the Zoning Commission, dated March 8, 1977, and marked as Exhibit No. 21 in the record of Case No. 75-18 and 77-16.
- j. The final site plan and subdivision shall be based on the revised site and grading plans dated March 8, 1977 and revised November 3, 1977 and marked as Exhibits 28 and 29 in the record of this case. As many of the mature trees as possible along the northern, western and eastern perimeter of the property should be preserved. A detailed site plan shall be submitted to the Board of Zoning Adjustment. Special attention should be given to the design of those houses facing the commercial zoning north of Fordham Road to minimize the impacts of commercial development.
- k. No grading or other change in the existing character of the property shall take place prior to approval of a detailed site plan by the Board.

7. The applicant proposes to construct a total of thirty five single family dwellings on this site. The thirty five units will consist of eleven detached, fourteen semi-detached, and ten row dwellings. The site plan indicates that eight dwellings are proposed for Square 1501 and twenty-three are proposed for Square 1530. Four of the dwellings will front on Fordham Road and nine on Van Ness Street, N.W. Eight of the units will face Massachusetts Avenue, N.W. and fourteen will be located on 48th Place, N.W.

8. All of the buildings will be constructed with brick facades or aluminum siding to reflect the traditional architectural character of the surrounding area. Such architectural embellishments as shutters, dormer windows, brick faced lintels, small paned glass, and carriage house style outdoor lighting reinforce the traditional character of this project.

9. Lot areas range in size from approximately 2,100 square feet to over 6,600 square feet. Average lot area is approximately 4,300 square feet. The interior living space of the units range in floor area from approximately 2,250 square feet to 3,550 square feet. The average square footage of the interiors is approximately 3,000 square feet. All of the units are two stories in height and some of the larger units feature basements. Eighteen of the units have garages. There are a total of seventy parking spaces proposed, twenty-one of which will be garage spaces and twenty-nine of which will be surface, off-street spaces. The forty-nine surface spaces are grouped in the interior of Square 1530. Access to these spaces is by way of a single driveway approximately mid-block, 48th Place, N.W. All of these spaces will be assigned to specific dwelling units, and each of the rear yards facing the parking area will be enclosed by a fence.

10. A detailed landscaping plan has been submitted with this application. As many of the existing trees as possible will be preserved. In addition, an extensive variety of trees, shrubs and ground covers will be planted throughout the development. The front and side yards of the units will receive the most intensive landscaping in order that the street facades continue the visual characteristics of the surrounding neighborhood.

11. The proposed development is being processed before the Board in a single stage. The schedule of construction is proposed as follows:

- a. Van Ness Street, 1-3 years
- b. Massachusetts Avenue, 2-4 years
- c. 48th Place (east side), 3-5 years
- d. 48th Place (west side), 3-6 years

The Board finds this construction schedule acceptable.

12. The FAR of the proposed development is 0.679. The maximum FAR specified in Order No. 195 is 0.67. The increase amounts to 2.7% which is within the 5% maximum increase which may be granted by the Board. The increase in FAR resulted from the relocation of one unit of the project that was suggested by the Zoning Commission.

13. The number of units proposed is thirty-five, which is the number specified in the Zoning Commission's Order regarding this PUD.

14. The number of off-street parking spaces proposed is seventy spaces, complying with the requirements of Order No. 195 that off-street parking spaces be provided at a minimum of two spaces per dwelling unit.

15. The proposed lot occupancy is 0.321%, less than the thirty-five per cent specified in Order No. 195.

16. All proposed units are two stories and range in height from eighteen feet to twenty-one feet, less than the maximum height of forty feet and three stories.

17. As specified, there is no direct vehicular access from Massachusetts Avenue to this project as shown in the site plan for this project.

18. As submitted to the Board, the final plans for this PUD are based on drawings by W.C. and A.N. Miller Development Company, dated March 8, 1977. These drawings were revised on February 2, 1978, to conform to Order No. 195. Such revisions included the adjustment of some lot lines and additional landscaping details.

19. All units with rear yards adjoining the common parking area in Square 1530 will be fenced and equipped with gates.

20. The units facing the commercially zoned areas along Fordham Road have been designed with the major living area at the rear of the units to minimize the impacts of the commercial activities.

21. Advisory Neighborhood Commission 3D, filed no recommendation on this application.

22. There was no opposition to the application at the public hearing.

23. The Municipal Planning Office, by report dated April 25, 1978, recommended that the application be approved subject to the conditions, standards and guidelines contained in Zoning Commission Order No. 195 and that the increase in 2.7 per cent FAR be approved since the increase is within the five per cent adjustment which the Board under Sub-paragraph 7501.43(b) of Article 75 of the Zoning Regulations can approve. The Board so finds.

CONCLUSIONS OF LAW:

Based on the above Findings of Fact the Board concludes that BZA Application No. 12636 complies with the provisions of Zoning Commission Order No. 195 with the exception of Condition No. 1 regarding the maximum permitted FAR. Condition No. 1 limits overall FAR to a maximum of 0.67. The applicant has indicated that the proposed PUD as submitted in final form to the Board has an FAR of 0.679. This increase is well within the five per cent adjustment which the Board may approve in accordance with Sub-paragraph 7501.43(b) of Article 75 of the Zoning Regulations. The Board concludes that the requested increase in FAR does not materially alter the proposed development and resulted from the relocation of one unit of the project at the suggestion of the Zoning Commission. The Board further concludes that this application is in accord with the intent of Article 75 of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the condition that the applicant comply with all the CONDITIONS of Zoning Commission Order No. 195, dated December 8, 1977, except as Condition No. 1 wherein the FAR was limited to 0.67. The Board now GRANTS an increase of the allowable FAR from .67 to .679, or an increase of 2.7 per cent.

VOTE: 3-0 (Walter B. Lewis, Charles R. Norris and Leonard L. McCants to GRANT, William F. McIntosh and Chloethiel Woodard Smith not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 JUN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.